

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Dryer et al.

Serial No.: 09/257,208

Group Art Unit: 2174

Filed: February 25, 1999

Examiner: Sax, S.

For: METHOD AND SYSTEM FOR REAL-TIME DETERMINATION OF A
SUBJECTS INTEREST LEVEL TO MEDIA CONTENT

#18

Honorable Commissioner of Patents
Washington, D.C. 20231

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APR 16 2003

RESPONSE UNDER 37 C.F.R. §1.111

Technology Center 2100

Sir:

In response to the Office Action dated January 15, 2003, please consider the following
in the above-identified application:

REMARKS

Claims 1-61 are all the claims presently pending in the application.

Claims 1-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ball
et al. (U.S. Patent No. 6,212,502) (hereinafter "Ball") and Tognazzini et al. (U.S. Patent No.
5,886,683) (hereinafter "Tognazzini").

Applicant files herewith an unexecuted Declaration under Rule 37 C.F.R. § 1.131,
thereby rendering moot the prior art rejection under 35 U.S.C. § 103(a) in which the
Examiner asserts the present invention is unpatentable over Ball in view of Tognazzini.
Specifically, the present invention was known to the inventors prior to the March 23, 1998
filing date of U.S. Patent Application No. 09/047,160 (e.g., now U.S. Patent No. 6,185,534 to
Ball et al.). Applicant will shortly file the executed Declaration.

In view of the foregoing, Applicant submits that claims 1-61, all the claims presently
pending in the application, are patentably distinct over the prior art of record and are in
condition for allowance. The Examiner is respectfully requested to pass the above
application to issue at the earliest possible time.

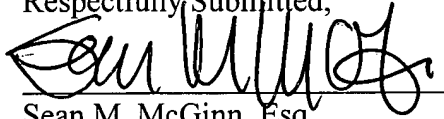
09/257,208
AM9-98-093

2

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0441.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sean McGinn", written over a horizontal line.

Sean M. McGinn, Esq.

Reg. No. 34,386

Date: 4/15/03
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